



**UNITED STATES DEPARTMENT OF EDUCATION**  
**OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES**

October 19, 2006

Susan Gorin, CAE  
Executive Director  
National Association of School Psychologists  
4340 East West Highway, Suite 402  
Bethesda, MD 20814

Dear Ms. Gorin:

This letter is in response to your letter dated August 26, 2006 written to Patricia J. Guard, Deputy Director of the Office of Special Education Programs (OSEP). In your letter, you request clarification of the role of school psychologists in administering assessments, based on language in the cost benefit analysis for the final regulations for Part B of the Individuals with Disabilities Education Act (Part B) published in the Federal Register on August 14, 2006 at 71 F.R. 46540. On page 46751 of the August 14, 2006 Federal Register, we discuss the potential financial impact on public agencies of changes made to the final Part B regulations concerning evaluations for children with suspected learning disabilities and the changing role of school psychologists in this regard.

In addition to your concerns, the Department received other comments on the role of school psychologists in administering IQ tests as described in the proposed analysis of the costs and benefits of this regulatory action, asserting that it was inaccurate to conclude that fewer school psychologists will be needed, since school psychologists typically do more than administer IQ tests to students; and that time saved on formal assessments as a result of the need to conduct fewer IQ tests could be used by school psychologists to train school staff in research-validated instructional and behavioral interventions, and to engage in other pro-active pre-referral policies. All of these comments were considered in conducting the analysis of the costs and benefits of the final regulations.

Section 300.307(a) of the final Part B regulations, which will become effective on October 13, 2006, provides in relevant part:

A State must adopt, consistent with Sec. 300.309, criteria for determining whether a child has a specific learning disability as defined in Sec. 300.8(c)(10). In addition, the criteria adopted by the State--(1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in Sec. 300.8(c)(10); (2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and (3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in Sec. 300.8(c)(10).

In the portion of the cost-benefit analysis that prompted your inquiry, the Department provided the following pertinent explanation:

The final regulations may impose additional costs on small public agencies that currently lack capacity to conduct repeated assessments of achievement during instruction and provide parents with documentation of the formal assessments of their child's progress. These costs are likely to be offset by reduced need for psychologists to administer intellectual assessments. To the extent that small districts may not employ school psychologists, the revised criteria may alleviate testing burdens felt disproportionately by small districts under an IQ discrepancy evaluation model.

The regulatory changes in procedures for evaluating children suspected of having learning disabilities are quite significant, and, in our view, provide expanded opportunities for school psychologists in the process of assessing the existence of learning disabilities. We do not construe the referenced language as diminishing the vital role that school psychologists play in the assessment of children suspected of having learning disabilities. Rather, the referenced language was merely intended to address the limited financial issue of the disproportionate impact that these changes could have on small districts that do not employ school psychologists.

Please do not hesitate to contact my office if you have any further questions.

Sincerely,

  
John H. Hager

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